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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,080	09/25/2008	Jens-Peter Schломка	DE040022	5811
24737	7590	06/10/2009	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS			KAO, CHIH CHENG G	
P.O. BOX 3001			ART UNIT	PAPER NUMBER
BRIARCLIFF MANOR, NY 10510			2882	
MAIL DATE	DELIVERY MODE			
06/10/2009	PAPER			

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/597,080	SCHLOMKA, JENS-PETER	
	<b>Examiner</b>	<b>Art Unit</b>	
	Chih-Cheng Glen Kao	2882	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 11 July 2006 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \*    c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date ____ .	6) <input type="checkbox"/> Other: ____ .

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 7-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims contain variables that are not defined in the claim itself. Therefore, the claims are indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Haar (US 2001/0050970).

Haar discloses a computer tomograph (title) for detecting rays (fig. 1, #2) that are necessarily elastically scattered in an object (fig. 1, #3), wherein the object (fig. 1, #3) is present in an examination region (fig. 1, at #3) and the scattered rays are necessarily scattered at different

scattering angles (due to the interaction of x-rays #2 with the object #3), with a radiation source (fig. 1, at #1) for permeating the examination region (fig. 1, at #3) with primary radiation (fig. 1, #2 through the central axis), and a detector (fig. 1, #4) with detector elements (figs. 2-8, b2-b10) which lie outside the region permeated by primary radiation (fig. 1, #2 through the central axis) and whose effective dimensions become smaller in the direction of decreasing scattering angles (figs. 2-8, in the direction from b10 to b2).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2-4, 6, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haar as applied to claim 1 above, and further in view of Harding (US 4956856).

4. Regarding claim 2, Haar discloses the system of claim 1 as recited above.

However, Haar fails to disclose absorption elements which each cover a portion of a detector element such that the region of the scattering angle that can be detected by the respective detector element is reduced.

Harding teaches absorption elements (fig. 3, #21 and 22) which each cover a portion of a detector element (fig. 3, #13 and 14) such that the region of the scattering angle (fig. 3, #18 and 19) that can be detected by the respective detector element (fig. 3, #13 and 14) is reduced.

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to modify the system of Haar with the teaching of Harding, since one would have been motivated to make such a modification for improving the signal to noise ratio.

5. Regarding claims 3 and 6, Haar discloses the system of claim 1 as recited above. Haar further discloses wherein the pitch of their centers and their dimensions increase towards a maximum value in the direction of the column (figs. 2-8, from b10 to b2).

However, Haar fails to disclose a polychromatic radiation source and a detector having energy-resolving detector elements.

Harding teaches a polychromatic radiation source (col. 1, line 68 - col. 2, line 1) and a detector having energy-resolving detector elements (col. 2, lines 1-5).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to modify the system of Haar with the teaching of Harding, since one would have been motivated to make such a modification for fine-tuning the system to more clearly see the object of interest.

6. Regarding claim 4, Haar discloses the system of claim 1 as recited above. Haar further discloses a radiation source (fig. 1, #1) for generating a ray (fig. 1, #2), with detector elements (fig. 4) that lie in planes that extend parallel to the axis of rotation (fig. 1, #5) and subdivide the

radiation into sections such that the detector elements (fig. 1, #4) present in a column parallel to the rotation axis (fig. 1, #5) are substantially hit by primary or scattered radiation from one and the same section (fig. 1, #4).

However, Haar fails to disclose a radiation source for generating a fan-shaped ray and absorption lamellae arranged between the detector and the object, which lamellae lie in planes that extend parallel to the axis and subdivide the radiation fan into sections.

Harding teaches a radiation source (fig. 3, #1) for generating a fan-shaped ray (fig. 1, #2) and absorption lamellae (fig. 3, #21 and 22) arranged between a detector (fig. 3, #13 and 14) and an object (fig. 3, #7), which lamellae (fig. 3, #21 and 22) lie in planes that extend parallel to an axis (fig. 3, thru #7) and subdivide the radiation fan (fig. 3, #2) into sections.

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to modify the system of Haar with the teaching of Harding, since one would have been motivated to make such a modification for fine-tuning the system to more clearly see the object of interest.

7. Regarding claim 9, Haar necessarily includes at least one detector element (figs. 2-8, b1-b10) which is formed by a plurality of mutually adjoining sub-elements (such as the radiation conversion layer, the electrical contact for an output, the substrate of the detector elements, etc.).

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haar as applied to claim 1 above, and further in view of Harding (US 6470067).

Haar discloses the system of claim 1 as recited above.

However, Haar fails to disclose a radiation source for generating the primary radiation either in the form of a planar fan ray or a conical ray, with a two-dimensional detector, and with a first mode of operation in which a portion of the detector elements receives the scattered radiation generated by the planar fan ray, and with a second mode of operation in which the detector elements receive the primary radiation generated in the conical ray.

Harding teaches a radiation source (fig. 1, S) for generating primary radiation (fig. 1, #42 or 43) either in the form of a planar fan ray (fig. 1, #41) or a conical ray (fig. 1, #42), with a two-dimensional detector (fig. 1, #16), and with a first mode of operation (claim 4) in which a portion of the detector elements (fig. 1, #16) necessarily receives scattered radiation generated by the planar fan ray (fig. 1, #41), and with a second mode of operation (claim 4) in which the detector elements (fig. 1, #16) receive the primary radiation generated in the conical ray (fig. 1, #42).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to modify the system of Haar with the teaching of Harding, since one would have been motivated to make such a modification for obtaining more information with few additional means (col. 2, lines 20-26) as shown by Harding.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chih-Cheng Glen Kao whose telephone number is (571)272-2492. The examiner can normally be reached on M - F (9 am to 5 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on (571) 272-2490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chih-Cheng Glen Kao/  
Primary Examiner, Art Unit 2882